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PART-- I--Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
HOME DEPARTMENT

NO.F.55(8)-PD/2024/2299 **Dated, Agartala, the 9th July, 2025.**

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 153 of THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 Chapter XI Part-B (sections 152-163), the Government of Tripura is herewith pleased to frame the following rules:-

1. Short title and Commencement. – (i) These rules may be called as "Powers and duties of District Magistrate and other Magistrates in dealing with Public nuisance Rules 2025".

(ii) They shall come into force from the date of publication of this notification in the Tripura Gazette.

2. **Definitions**. –

(i) **DM means the District Magistrate** of a revenue district duly appointed and notified by the State Government;

(ii) **ADM means the Additional District Magistrate** of revenue or police district, duly appointed and notified by the State Government;

(iii) **SDM means the Sub-Divisional Magistrate** of a revenue sub-division in a district, duly appointed and notified by the State Government;

(iv) **SP means the Superintendent of Police** of a revenue district, or a police district, duly appointed and notified by the State Government;

(v) **DCP means the Deputy Commissioner of Police**, of an urban police district, duly appointed and notified by the State Government; and

(vi) **Special Executive Magistrate** means Executive Magistrate or any Police officer not below the rank of Superintendent of Police or equivalent, appointed by the state government for particular areas or for the performance of particular functions and conferred on such Special Executive Magistrate, such of the powers as are conferrable under BNSS on Executive Magistrates.

3. Relevant Procedure and Provisions -

A District Magistrate, Sub-Divisional Magistrate, or any specially empowered Executive Magistrate has the authority to take action against the persons responsible for public nuisances or to issue directives in urgent cases where immediate preventive remedy is needed. Public nuisance has been divided into 6 categories viz.

(i) Unlawful obstruction or nuisance to public places, ways, river or channel that should be removed;

(ii) Conduct of any trade or occupation or keeping of any goods or merchandise which is injurious to the health or physical comfort of the community for which that trade or occupation should be regulated or prohibited or such merchandise should be removed or regulated;

(iii) Construction of any building or disposal of any substance that is likely to cause conflagrations or explosion should be prevented;

(iv) If any building, tent or structure or any tree is in such a condition that it is likely to fall or cause injury to person liming or carrying on business nearby or the passers-by should be removed or repaired;

(v) Any tank, well or excavation adjacent to public place should be fenced to prevent danger; and

(vi) Any dangerous animal should be destroyed, confined or otherwise disposed of.

4. Conditional Orders –

Magistrate may pass conditional order to remove the public nuisance as mentioned above to remove such obstructions. (Section 152) :-

(i) **Service of Order :-** The order will be served personally. If not possible, it will be made public through a proclamation and a copy of the same shall be stuck up at such place or places for conveying information to the person. (section 153);

(ii) **Compliance or Objection :-** The person directed must comply with the order within the time and in the manner specified in the order, as directed or appear before the Magistrate to show cause. He may be permitted to appear through audio video conferencing. (section 154);

(iii) **Failure to Comply –** If no compliance or appearance is made, penalties under Section 223 BNS will apply, and the previous interim order will be made absolute. (section 155);

(iv) **Appeals and Denial of Public Right –** If the person objects to the existence of public rights, the Magistrate will inquire into the matter. If no evidence supports the denial, the Magistrate will proceed with enforcing the order. (section 156);

(v) If the person, against whom an order is made, appears and produces show cause report against it, the Magistrate shall take evidence in the matter, as in a summons case. Based on it, he may pass an Absolute Order with or without modification of previous order. (section 157);

(vi) **Investigation and Expert Assistance.-** The Magistrate can direct a local investigation or summon an expert to gather evidence and assist in the decision-making process. The expenses for such investigations

will be borne by the parties as would be directed by the Magistrate. (sections 158-159);

(vii) **Execution of Order.**- If the nuisance is not removed within the stipulated time, the Magistrate can take necessary action and recover the costs from the responsible party (section 160);

(viii) **Immediate Injunction.-** Magistrate can pass immediate order in the form of an injunction to the person against whom the order was made, to prevent imminent danger or injury of serious kind to the public. He can enforce such injunction to prevent such danger or prevent such injury to public. (section 161); and

(ix) The Magistrate will prevent repetition or continuance of public nuisance. (section 162).

5. Process

(i) District Magistrate or Sub-Divisional Magistrate or any other Executive Magistrate specially empowered, upon information from Police or otherwise, about public nuisance, such as obstruction to public way, river or channel, nuisance of any trade or merchandise which is injurious to health or physical comfort of public, any construction or disposal of material likely to cause conflagration or explosion, any building, tent, structure or tree likely to fall or cause any injury to any person, any unfenced tank or well posing danger to public, any dangerous animal, may order to remove the nuisance directing the party causing it to remove it. This order shall not be questioned in any civil court. He may immediately pass Injunction Order if immediate danger or injury is posed to public directing such person to remove the nuisance;

(ii) Upon receipt of information for removing public nuisance and passing the order, the order shall be served to person against whom such order is passed by any means including that of affixing the copy of order at appropriate place;

(iii) The order shall be obeyed by the person, or the person may appear before magistrate with show cause report for a hearing. Failing to comply with the order will attract punishment under section 223 of Bharatiya Nyaya Sanhita,2023;

(iv) The magistrate, upon hearing with evidence put up before him, shall enquire into the matter as in Summons Case. He may summon and examine expert or direct local investigation for the same. After hearing, based on evidence put forth, he may make an absolute Order affirming the previous interim order with modification;

(v) He shall give notice to the party (against whom absolute Order is made and require him to comply the order. If not, he may cause it to be performed and recover the cost incurred from the party;

(vi) The cost may be recovered by the sale of any building, goods or other property removed by the order, or by the distress sale of any other movable property of such person within or without the jurisdiction of such magistrate's local jurisdiction. If such other property is without such jurisdiction, the order shall authorize its attachment and sale, when endorsed by the magistrate within whose local jurisdiction, the property attached is found. No civil suit for this action is tenable in the court of law, when done in good faith;

(vi) Magistrate may pass an order for a person not to repeat or continue a public nuisance as described above; and

(vii) The District Magistrate, SDM or Deputy Commissioner of Police or any other Executive Magistrate specially empowered by the State government can pass a written order for immediate removal of public nuisance or apprehended danger.

By order of the Governor

(S.Debbarma)
Under Secretary to the
Government of Tripura